

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**June 21, 2006**

DIVISION ONE

Court convened at 9:00 a.m.

Present: Spencer, P.J., Vogel (Miriam A.), J., Mallano, J., Rothschild, J. and P. Gonzalez, Deputy Clerk.

B183976     Maynez v. City of Los Angeles  
B187073     Perrman et al. v. SCLA (People, rpi)

Matter advanced to June 20, 2006.

B182806     Aliado et al. The Roman Catholic Archbishop

Continued to July 25, 2006.

B174757     Nieto v. The Paul Revere Life Insurance Co.

Continued to July 26, 2006.

B183969     Maughan v. Google Technology, Inc.

Continued to August 23, 2006.

B187165     Paul Chew  
                 v.  
                 County of Los Angeles

Merits:

No appearance by either party, argument waived.

Vogel, J., leaves the bench.

DIVISION ONE (Continued)

B179844 Maria Gonzalez  
B181787 v.  
Javier Gonzalez

Merits:  
Argued by Frank O. Fox for appellant. No appearance for respondent.  
Cause submitted.

B182852 Elvira Rodriguez  
v.  
Los Angeles Unified School District

Merits:  
Argued by Leo James Terrell for appellant and by John J. Manier for  
respondent. Cause submitted.

Vogel, J., returns to the bench.

Mallano, J., leaves the bench.

B185845 Martha E. Woodward  
v.  
Judith A. Dunklin et al.

Merits:  
Argued by Linda Pethick for appellants and by Andrew J. Liska for  
respondent. Cause submitted.

B180813 Yahya Eshaghian et al.  
v.  
Mousa Ghodsi et al.

Merits:  
Argued by Douglas G. Benedon for appellants and by Robert Scott  
Shtofman for respondents. Cause submitted.

DIVISION ONE (Continued)

Mallano, J., returns to the bench.

Vogel, J., leaves the bench.

B180883      Susan Kim  
                 v.  
                 Yoon Bum Kim  
                 Longevity Network

Merits:

Argued by Robin Meadow for appellant and by David B. Parker for respondent. Cause submitted.

Vogel, J., returns to the bench.

Rothschild, J., leaves the bench.

B187261      Steve Cardone  
                 v.  
                 SCIE, LLC, et al.

Merits:

Argued by Henry Ben-Zvi for appellants and by David Z. Ribakoff for respondent. Cause submitted.

Rothschild, J., returns to the bench.

Vogel, J., leaves the bench.

B187261      Hampton Bay Court Assoc., Inc.  
                 v.  
                 Storm/Western Development, Inc.

Merits:

Argued by William F. Clark for appellant and by Nicholas Gedo for respondent. Cause submitted.

## DIVISION ONE (Continued)

Vogel, J., returns to the bench.

Mallano, J., leaves the bench.

B182541      Robert DiFiore  
v.  
Contractors State License Board

Merits:

Argued by Robert Difiore for appellant and by Earl R. Plowman, Deputy Attorney General for respondent. Cause submitted.

Court adjourned.

B185428      George Nicholaw  
v.  
Infinity Broadcasting

Filed order denying petition for rehearing.

B182373 People (Not for Publication)  
v.  
Thomas

The judgment is modified by striking one of the one-year enhancements imposed pursuant to section 667.5, subdivision (b), and the judgment of conviction of count 1 (felony resisting) is reversed; in all other respects, the judgment is affirmed, and the cause is remanded to the trial court with directions to determine whether the People intend to retry count 1 and to thereafter proceed accordingly with regard to a retrial and resentencing, ultimately issuing a corrected abstract of judgment and forwarding it to the Department of Corrections.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Mallano, J.

## DIVISION ONE (Continued)

B182791      People                                  (Certified for Publication)  
v.  
Ramirez

The judgment is reversed and the cause is remanded with directions to the trial court (1) to vacate its order denying Ramirez's suppression motion and enter a new order granting the motion; (2) to permit Ramirez to withdraw his guilty plea; (3) to determine whether the People intend to retry the case; and (4) to make such other orders as are necessary and appropriate.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Rothschild, J.

DIVISION TWO

B183488      Chadwick      (Not for Publication)  
v.  
Graydon

The orders of the trial court are affirmed. Chadwick is entitled to costs on appeal. In addition, Graydon and his attorney, Marcou, are ordered to pay sanctions in the amount of \$6,000.

Ashmann-Gerst, J.

We concur:   Boren, P.J.  
                      Doi Todd, J.

B187819      Los Angeles County, D.C.S.  
v.  
Lonetta B., Adrian W.

Filed order modifying opinion. (No change in the judgment)

June 21, 2006 (Continued)

DIVISION THREE

B184407 People (Not for Publication)  
v.  
Armentero

The judgment is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

B172533      Cornell Sterling Mayes et al.      (Certified for Publication)  
v.  
David C. Bryan etc et al.

Filed order modifying opinion. (No change in the judgment)

DIVISION FOUR

B189806      Elbert H.      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Los Angeles County Department of Children and Family Services, r.p.i.)

The petition is denied.

Willhite, J.

We concur: Epstein, P.J.  
Hastings, J. (Assigned)

B181474 Polhill et al.  
v.  
County of Los Angeles et al.

Filed order denying petition for rehearing.

June 21, 2006 (Continued)

## DIVISION FOUR (Continued)

B182673      People                                  (Not for Publication)  
v.  
German and Hernandez

The three-year enhancement imposed against defendant German under section 12022.7, subdivision (a), is stayed pursuant to section 654. The trial court is ordered to prepare an amended abstract of judgment reflecting this modification. As so modified, the judgment against defendant German is affirmed. The judgment against defendant Hernandez is affirmed in full.

Willhite, J.

We concur: Epstein, P.J.  
Hastings, J. (Assigned)

## DIVISION FIVE

B187547 People (Not for Publication)  
v.  
Rickey Gene Young, II,

The judgment is affirmed.

Kriegler, J.

We concur:   Turner, P.J.  
                      Armstrong, J.

B187394      In re: Celia R.,                      (Not for Publication)  
v.  
Los Angeles County, D.C.S.  
Moises R., et al.,

The judgment is affirmed.

Kriegler, J.

We concur:   Turner, P.J.  
                     Mosk, J.

## DIVISION FIVE (Continued)

B183147      People                                  (Not for Publication)  
v.  
Jamal Omar Sims

The clerk of the superior court is ordered to prepare an amended abstract of judgment reflecting the enhancement of 20 years to life pursuant to section 12022.53, subdivision (c) in count 3, not the enhancement of 25 years to life pursuant to section 12022.53, subdivision (d), and forward the corrected document to the Department of Corrections. In all other respects, the judgment is affirmed.

Kriegler, J.

We concur:   Turner, P.J.  
                      Mosk, J.

B185320      CTC Real Estate Services,      (Certified for Publication)  
v.  
All Claimants to Surplus Funds After Trustee sale on Real Property  
Located at 6725 Granada Drive., et al  
Aurora Lepe,

We reverse the order and direct that the trial court enter an order granting the claim of Aurora Lepe for payment to her of the undistributed surplus funds remaining after the award to petitioner of its attorney fees and costs in the amount of \$6,748.90.

Mosk, J.

We concur:    Armstrong, Acting P.J.  
                         Kriegler, J.



June 21, 2006 (Continued)

## DIVISION FIVE (Continued)

B184849 People (Not for Publication)  
v.  
Danilo Jose Tiongson,

We conclude assault by means of force likely to produce great bodily injury is not a lesser included offense of assault with a firearm under both the elements test and the accusatory pleading test.

Kriegler, J.

We concur:   Armstrong, Acting P.J.  
                     Mosk, J.

DIVISION SIX

B187595 People (Not for Publication)  
v.  
Baca

The judgment (order of commitment) is affirmed.

Yegan, J.

We concur: Gilbert, P.J.  
Perren, J.

B181598 Hill (Not for Publication)  
v.  
Axilrod, et al.

The judgment is affirmed. The Axilrods are entitled to their costs on appeal. Patronymk and Hill shall each bear their own costs.

Perren, J.

We concur:    Gilbert, P.J.  
                         Coffee, J.

DIVISION SIX (Continued)

B178473      Camacho et al.,                      (Not for Publication)  
                         v.  
                         Meridian Neurocare

Filed order modifying opinion. Petition for rehearing is denied.  
(No change in judgment).

DIVISION EIGHT

B185897      In re LORENZO C                      (Not for Publication)  
                         Los Angeles County, D.C.S.  
                         v.  
                         Lorenzo C., Sr.,

The order is conditionally reversed and the matter is remanded to the juvenile court in Los Angeles County for the limited purpose of ensuring that proper notice is provided in accordance with the requirements of the Indian Child Welfare Act. If, after receiving proper notice, no tribe elects to intervene in the proceedings, the juvenile court is directed to reinstate the judgment. In all other respects, the orders of the juvenile court are affirmed. Because the juvenile court in Los Angeles transferred the matter to the juvenile court in Orange County, the clerk of this court is directed to transmit a copy of this opinion to the court in Orange in order to facilitate the implementation of this disposition.

Boland, J.

We concur:    Cooper, P.J.  
                         Rubin, J.

June 21, 2006 (Continued)

DIVISION EIGHT (Continued)

B180324      Turtle Ridge Media Group, Inc.,                      (Certified for Publication)  
                         v.  
                         Pacific Bell Directory et al.,

The order refusing to compel arbitration is reversed. The trial court is directed to issue a new order granting the petition of Pacific Bell Directory doing business as SBC Smart Yellow Pages, SBC Communications, Inc., and SBC Directory Operations, to compel arbitration. On remand, the trial court may consider whether to sever the unfair business practices cause of action from its arbitration order. Respondents to recover their costs on appeal.

Rubin, Acting P.J.

We concur:    Boland, J.  
                         Mosk, J. (Assigned)